



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 9, 1998

Mr. John Steiner
Division Chief
City of Austin, Law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR98-2130

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119474.

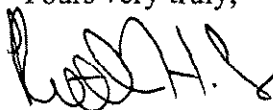
The City of Austin (the "city") received a request for proposal information received by the city in response to its solicitation of bids for airport parking and shuttle management services. You indicate that the city is still negotiating the awarding of a contract for these services, and it is our understanding that such a contract has not been finalized. You contend that, at this time, the records at issue are protected from disclosure under section 552.104 of the Government Code.

Section 552.104 excepts "information that, if released, would give advantage to a competitor or bidder." The purpose of section 552.104 is to protect a governmental body's interests in a commercial context by keeping some competitors or bidders from gaining unfair advantage over other competitors or bidders. Open Records Decision No. 541 at 4 (1990). Release of the proposals before a contract has been finally approved could damage the city's ability to negotiate favorable contract terms. In this situation, the city may withhold the proposals from disclosure pursuant to section 552.104.¹ We note, however, that generally neither the contract nor proposal information submitted with the bid is excepted under section 552.104 once the bidding process is over and a contract awarded. *Id.* at 5.

¹Because the information at issue may be withheld from disclosure under section 552.104, we need not at this time address your sections 552.101 and 552.110 arguments.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 119474

Enclosures: Submitted documents

cc: Mr. John Schmid
Allright Parking
720 Brazos, Suite S-14
Austin, Texas 78746
(w/o enclosures)